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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Transmittal for Revised Status of Claims for **Appeal Brief**

Application Number:

10/814933

Filing Date:

Mar. 30, 2004

First Named Inventor:

Buchan

Group Art Unit:

1795

Examiner:

C. P. Johnson

Attv. Docket Num.

HSJ920040023US1

Commissioner for Patents By Fax to 571-273-8300

Applicants are responding to a Notification of Non-Compliant Appeal Brief mailed on 12-31-08 with boxes 2 and 10 checked. The Notice stated that applicants only needed to file a corrected Status of Claims.

Attached hereto is a revised Status of Claims page for applicants' Brief originally filed on 12-1-08.

The fee for the Appeal Brief was paid with the original filing on 12-1-08, so no fee is believed to be due. However, if the Commissioner determines that fees are due, the Commissioner is hereby authorized to charge payment fees associated with this communication (including any required under 37 CFR 1.17), or credit any overpayment to Deposit Account 50-2587.

& Marlin Km

G. Marlin Knight (#33,409) Attorney of Record PO Box 1320 Pioneer, CA 95666 209-295-1982

Transmission by Fax CERTIFICATE

D. Marlin Kri

I hereby certify that the above paper is being transmitted to telephone no. 571-273-8300 on the date indicated below and is addressed to the Commissioner for Patents.

Date of Transmission: Jan. 12, 2009

Person sending paper: G. Marlin Knight

Signature:

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### 3. Status of Claims:

The claims being appealed are claims 1-3, 11, 12 and 14-23. Each of these claims has been finally rejected.

Claims 4-10 and 13 have been canceled.

Respectfully Submitted,

D. Marlin Kright

G. Marlin Knight (#33,409)

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209-295-1982